

REMARKS

This is intended as a full and complete response to the Office Action dated August 18, 2004, having a shortened statutory period for response set to expire on November 18, 2004. Please reconsider the claims pending in the application for reasons discussed below.

I. Rejection of claims under 35 USC § 112

Claims 20-27 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Applicants respectfully traverse this rejection.

Specifically, the Examiner asserts that claim 20 failed to show what would be compared to the time base information to detect transport rate jitter. Claims 20, 21, 24, and 25 are canceled by this response, thereby rendering their rejection moot. However, the term "time base information" appears in amended claims 22, 23, 26, and 27. The term "time base information" is clearly defined in view of Applicants' specification, which teaches three distinct methods to detect transport jitter. Each distinct method utilizes a slightly different aspect of the "time base information". For example only, time base information may comprise "a number of received packets" or "recorded program clock references" as taught by Applicants' specification. Since time base information is extracted from the packets and then compared, Applicants respectfully submit that claims 22, 23, 26, and 27 fully satisfy the requirements of 35 U.S.C. § 112, second paragraph. Withdrawal of the rejections is respectfully requested.

II. Rejection of claims under 35 USC § 102**A. Claims 16, 20, and 24**

Claims 16, 20, and 24 stand rejected under 35 USC § 102(e) as being anticipated by Burton (U.S. Patent No. 5,694,397, issued December 2, 1997) (Burton). Applicants have canceled claims 16, 20, and 24, thereby rendering their rejection moot.

B. Claims 16, 17, 20, 21, 24, and 25

Claims 16, 17, 20, 21, 24 and 25 stand rejected under 35 USC § 102(e) as being anticipated by Goldman et al. (U.S. Patent No. 5,535,216, issued July 9, 1996) (Goldman). Applicants have canceled claims 16, 17, 20, 21, 24, and 25, thereby rendering their rejection moot.

III. Rejection of claims under 35 USC § 103**A. Claims 17, 21, and 25**

Claims 17, 21, and 25 stand rejected under 35 USC § 103(a) as being obvious over Burton in view of Cloutier (U.S. Patent No. 5,790,543, issued August 4, 1998) (Cloutier). Applicants have canceled claims 17, 21, and 25, thereby rendering their rejection moot.

B. Claims 17, 21, and 25

Claims 17, 21, and 25 stand rejected under 35 USC § 103(a) as being obvious over Burton in view of Nagai et al. (U.S. Patent No. 5,394,395, issued February 28, 1995) (Nagai). Applicants have canceled claims 17, 21, and 25, thereby rendering their rejection moot.

IV. ALLOWABLE SUBJECT MATTER

The Examiner has objected to claims 18, 19, 22, 23, 26, and 27 as being dependent upon a rejected base claim. The Examiner concludes that these claims would be allowable subject matter if rewritten in independent form to include all of the limitations of their base claim and any intervening claims.

The Applicants thank the Examiner for indicating allowable subject matter with respect to these claims. By this response, claims 18, 19, 22, 23, 26, and 27 are rewritten in independent form. Therefore, the Applicants assert that claims 18, 19, 22, 23, 26, and 27 are presently in condition for allowance.

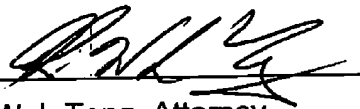
CONCLUSION

Thus, the Applicants submit that all of these claims now fully satisfy the requirements of 35 U.S.C. §112, 35 U.S.C. §102, and 35 U.S.C. §103. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

11/18/04
Date


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